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On February 21, 2006

US PATENT & TRADEMARK  
OFFICE

PATENT  
Docket No.: 016866-008200US

TOWNSEND and TOWNSEND and CREW LLP

By:   
Andrea S. Beck

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Edward J. Gavin, et al.

Application No.: 10/084,587

Filed: February 25, 2002

For: METHOD FOR ANALYZING  
MASS SPECTRA

Customer No. 020350

Examiner: Tung S. Lau

Art Unit: 2863

REQUEST FOR REFUND UNDER 37  
C.F.R. 1.26(a)

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for the refund of an erroneously-paid fee of \$395.00 under 37 CFR §1.26(a). An RCE was filed by mistake and without deceptive intent with our Request for Reconsideration on January 12, 2006 in response to the Non-Final Office Action mailed July 14, 2006. A copy of the relevant RCE Transmittal is enclosed.

Applicants did file a Request For Reconsideration on January 12, 2006 and pursuant to the Notice of Improper Request For Continued Examination (RCE) mailed on February 3, 2006, a reply to a non-final Office action was filed and consideration of the Request for Reconsideration is requested.

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Edward J. Gavin, et al.  
Application No.: 10/084,587  
Page 2

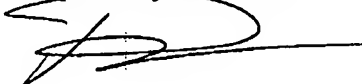
PATENT

Accordingly, Townsend and Townsend and Crew, LLP is entitled to a refund of \$395.00. Applicants respectfully request that the refund be made to Deposit Account Number 20-1430. This request is submitted in duplicate.

CONCLUSION

If a telephone conference would be helpful in the review or processing of this request, the reviewer is invited to telephone the undersigned at 415-273-7529.

Respectfully submitted,



Patrick R. Jewik  
Reg. No. 40,456

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
PRJ:asb

60707655 v1

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/084,587
Filing Date	February 25, 2002
First Named Inventor	Gavin, Edward J.
Art Unit	2863
Examiner Name	Tung S. Lau
Attorney Docket Number	016866-008200US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other Request for Reconsideration

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other \_\_\_\_\_

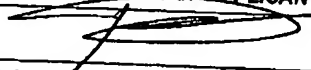
## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 20-1430. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e) \$ 395.00
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) \$ \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_ \$ \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed) for \$ \_\_\_\_\_

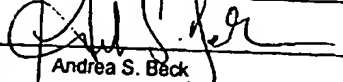
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	January 12, 2006
Name (Print /Type)	Patrick R. Jewik	Registration No.	40,456

## CERTIFICATE OF MAILING OR TRANSMISSION

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Signature		Date	1/12/06
Name (Print /Type)	Andrea S. Beck		

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**ATTENTION ATTENTION ATTENTION**



PTO/SB/30 (04-05)

RCE  
JPW

Request  
for  
Continued Examination (RCE)  
Transmittal

Address to:  
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P.O. Box 1450  
Alexandria, VA 22313-1450

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- iii. ☒ Information Disclosure Statement (IDS)
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2. **Miscellaneous**

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Signature		Date	1/12/06
Name (Print /Type)	Andrea S. Beck		

60677820 v1

Adjustment date: 03/15/2006 SFELEKE1  
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01 FC:2801 395.00 GR

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